

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS**CALIFORNIA CODE OF REGULATIONS**

Title 8, Article 85, Section 4821 of the General Industry Safety Orders

Gas Systems Piping for Welding and Cutting**SUMMARY**

This rulemaking action is being initiated by the Occupational Safety and Health Standards Board staff to update an outdated National Code reference in Section 4821(a) of the General Industry Safety Orders.

Existing Section 4821 addresses the material and design requirements for gas systems piping for welding and cutting. A revision is proposed to update and incorporate by reference the American National Standard Code referenced in Section 4821(a). The existing reference, "Section 2, Industrial Gas and Air Piping Systems of the American National Standard Code for Pressure Piping ANSI B31.1.1983", was not corrected in a previous rulemaking. The proposed revision will correct this reference to read, "Chapters 1 through 4 of the American National Standard Code for Pressure Piping, ASME B31.1 2001, Power Piping." Incorporating the latest edition of this document by reference will ensure current national standards are met. The proposed revision will have no effect on the regulated public since only minor, nonsubstantial revisions have been made to ASME B31.1 since 1983 and the regulated public is already required to adhere to these 1983 requirements referenced in existing Section 4821(a).

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Section 4821. Gas Systems Piping for Welding and Cutting, Materials and Design.**

Existing Section 4821(a) requires piping and fittings for gas systems used in welding and cutting operations to comply with Section 2, Industrial Gas and Air Piping Systems of the American National Standard Code for Pressure Piping ANSI B31.1.1983, insofar as it does not conflict with subsections (b) and (c). Subsection (b) requires piping to be at least Schedule 40 and fittings to be at least standard weight in sizes up to and including 6-inch nominal. And subsection (c) states that copper tubing shall be Types K or L in accordance with the Standard Specification for Seamless Copper Water Tube, ASTM B88-96, which is hereby incorporated by reference.

A revision is proposed to update and incorporate by reference the American National Standard Code referenced in Section 4821(a) to read, "Chapters 1 through 4 of the American National Standard Code for Pressure Piping, ASME B31.1 2001, Power Piping." The proposed revision is necessary to ensure that current national standards are met.

DOCUMENTS RELIED UPON

None.

DOCUMENTS INCORPORATED BY REFERENCE

- Chapters 1 through 4 of the American National Standard Code for Pressure Piping, ASME B31.1, Power Piping, 2001 Edition.

This document is too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate this document by reference. A copy of this document is available for review Monday through Friday from 8:00 a.m. to 5:00 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has made an initial determination that this proposal will not result in a significant adverse economic impact on small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.